

PROPOSED AMENDMENTS TO THE SCOTLAND ACT 2016

Consent of the Scottish Parliament to certain Westminster Acts

(1) In section 28 of the Scotland Act 1998 (Acts of the Scottish Parliament), at the end add—

“(8) But the Parliament of the United Kingdom must not pass Acts applying to Scotland that make provision about a devolved matter without the consent of the Scottish Parliament.

(9) Provision is about a devolved matter if the provision—

- (a) applies to Scotland and does not relate to reserved matters,
- (b) modifies the legislative competence of the Scottish Parliament, or
- (c) modifies the functions of any member of the Scottish Government.

(10) In subsection (8), “Acts” includes any Act, whether a public general Act, a local and personal Act or a private Act.

(2) After section 28 of the Scotland Act 1998 insert—

“28A Duty to consult the Scottish Government on Bills applying to Scotland

(1) A Minister of the Crown must not introduce a Bill into the Parliament of the United Kingdom for an Act of that Parliament that would make provision applying to Scotland unless a Minister of the Crown has consulted the Scottish Ministers.

(2) Where the Bill is for an Act making provision that would require the consent of the Scottish Parliament by virtue of section 28(8), the requirement to consult under subsection (1) includes a requirement that a Minister of the Crown give the Scottish Ministers a copy of the provisions of the Bill that apply to Scotland no later than—

- (a) 21 days before the proposed date of introduction, or
- (b) such later date as the Scottish Ministers may agree.

(3) The requirement in subsection (2) does not apply if—

- (a) the Scottish Ministers so agree, or
- (b) there are exceptional circumstances justifying failure to comply with the requirement.

(4) The reference in subsection (1) to an Act of Parliament is a reference to any Act whether a public general Act, a local and personal Act or a private Act.”.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot